

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

## Adults 18 years and Older

### You Could Be Affected by a Class Action Settlement involving Consumer Reporting

*A federal court authorized this notice. This is not a solicitation from a lawyer. You are not being sued.*

- There is a proposed Settlement in a class action lawsuit against LexisNexis involving certain reports sold by LexisNexis. LexisNexis maintains that it has not done anything wrong.
- You are included in the proposed Settlement if information about you was in the databases used to prepare Accurint® brand products at any time between November 14, 2006 and April 19, 2013. These databases contain the names and addresses of all U.S. residents who have opened a credit account, as well as information from many public records such as telephone directories, voter registration records, motor vehicle registrations, and mortgage records. If you are 18 years or older, there is probably information about you in these databases.
- **Your legal rights are affected by the proposed Settlement even if you do nothing.**
- **Your rights and options – and the deadlines to exercise them – are explained in this notice. Please read this entire notice carefully.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS PROPOSED SETTLEMENT		
<b>Object to the Settlement</b>	Write to the Court about why you do not like the proposed Settlement (see Question 14).	Your objection must be postmarked on or before August 30, 2013
<b>Go to a Hearing</b>	Write to ask to speak in Court about the fairness of the proposed Settlement ( <i>see</i> Questions 15-17)	Your request to appear at the hearing must be postmarked on or before August 30, 2013
<b>Do Nothing</b>	You do not have to do anything to benefit from the proposed Settlement. If the Settlement is finally approved, you will not be able to sue the Defendants for the remedies resolved by this Settlement ( <i>see</i> Questions 8-10).	None



**Questions? Call toll-free 1-888-538-5784 or visit [CollectionReportLawsuit.com](http://CollectionReportLawsuit.com).**

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## BASIC INFORMATION

### 1. Does this Notice apply to me?

You are a member of the Class if information about you was in databases that were used to prepare Accurant® brand products at any time between November 14, 2006 and April 19, 2013. This information may have been collected about you - with or without your knowledge - as a result of a variety of actions that you may have taken. For example, if you have a driver's license or other government-issued identification card, then there is likely public record information about your license or I.D. card that exists in a database maintained by one of the defendants. These databases contain the names and addresses of all U.S. residents who have opened a credit account, as well as information from many public records, such as telephone directories, voter registration records, motor vehicle registrations, and mortgage records. If you are 18 or older, there is probably information about you in these databases.

A Court authorized this notice to inform you about the proposed Settlement and your rights. Before any final judgment is entered, the Court will have a hearing to decide whether to approve the Settlement. This notice is only a summary of the proposed Settlement. More details about the proposed Settlement, the date when appeals are no longer allowed and the Settlement is final, deadlines for certain actions, and your options are available in a longer document called the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting [CollectionReportLawsuit.com](http://CollectionReportLawsuit.com).

The lawsuit is known as *Berry v. LexisNexis Risk & Information Analytics Group, Inc.*, Case No. 3:11-cv-00754-JRS. Judge James R. Spencer of the United States District Court for the Eastern District of Virginia, is overseeing the case. The people who sued are called "Plaintiffs;" the companies that they sued are called "Defendants." The Defendants are LexisNexis Risk & Information Analytics Group, Inc, now LexisNexis Risk Solutions FL Inc., Seisint, Inc., now LexisNexis Risk Data Management, Inc., and Reed Elsevier Inc.

### 2. What is this lawsuit about?

The lawsuit claims that the Defendants prepared and sold Accurant® searches and reports, that these reports were (1) "consumer reports" under the FCRA, and that (2) Defendants failed to follow certain Fair Credit Reporting Act ("FCRA") requirements that apply to consumer reports, including handling disputes about the reports' contents and providing consumers with full copies of reports about them.

The Court did not decide whether the reports were consumer reports, or that either side was right or wrong. Instead, both sides agreed to the Settlement to resolve the case and provide benefits to consumers.

### 3. Why is this a class action?

Class actions try to bring similar claims in one case and in one court. In a class action, the plaintiffs who bring the case are called "Class Representatives" or "Named Plaintiffs." They have their names listed in the title of the case. They sue on behalf of people who have similar claims – called the Class or Class Members – which in this case likely includes you. The Class Representatives filed this case as a proposed class action. When the parties reached this proposed Settlement, the Court had not decided whether the case could be a class action.

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**4. Why is there a proposed Settlement?**

The Court has not decided which side is right or wrong in this case. Instead, both sides agreed to a settlement to avoid the costs and risks of a lengthy trial and appeals process.

To settle the matter, the Plaintiffs and Defendants participated in something called mediation. This is a formal way parties get together to see if they can resolve disputes with the help of a court-approved professional, called a mediator. From May 2012 to October 2012, an experienced mediator conducted lengthy sessions with the parties. The negotiations were difficult and contentious. The Class Representatives and the lawyers representing the Class think the proposed Settlement is best for all Class Members.

**WHO IS IN THE PROPOSED SETTLEMENT?**

**5. How do I know if I am part of the proposed Settlement?**

You are included in the Settlement if any information about you was in the databases used to prepare Accurant® brand products at any time between November 14, 2006 and April 19, 2013. The Court has decided that everyone who fits the following description is a Class Member:

All persons residing in the United States of America (including its territories and Puerto Rico) about whom information resided in the Accurant® database from November 14, 2006 to April 19, 2013.

The Accurant® databases contain the names and addresses of all U.S. residents who have opened a credit account, as well as information from many public records, such as telephone directories, voter registration records, motor vehicle registrations, and mortgage records. If you are 18 or older, there is probably information about you in these databases.

**6. Are there exceptions to being included?**

Plaintiffs' and Defendants' attorneys are excluded from the Class. The presiding judge in the action and his staff, and all members of their immediate families are also excluded from the Class.

**7. What if I am not sure whether I am included in the Class?**

If you are still not sure whether you are included in the Class, then you can call toll-free 1-888-538-5784 or visit [CollectionReportLawsuit.com](http://CollectionReportLawsuit.com) for more information.

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## THE PROPOSED SETTLEMENT BENEFITS

### 8. What benefits does the proposed Settlement provide?

The benefits for Class Members fall under the category of injunctive relief. An injunction occurs when a court orders a person to do or not to do something – in this case changes in LexisNexis' business practices. The Settlement requires the Defendants, at their expense, to design, implement, and maintain specific, substantial procedures that address the lawsuit's concerns about the preparation and sale of Accurint® searches and reports to debt collectors. All Class Members will receive the benefit from these changes in business practices.

Specifically, the changes in business practices will require the Defendants to:

- Modify the existing Accurint® for Collections suite of products and services to offer one suite of products that will provide reports within the FCRA's "consumer report" definition and another suite of products for the limited purposes of assisting debt collectors in locating debtors and locating assets securing the debt for the purpose of repossession;
- Implement a process to allow consumers to:
  - Get a free report of information provided to debt collectors on their location and contact information (this information is provided to debt collectors to locate debtors), and
  - Allow consumers to submit a written statement regarding the accuracy of any phone numbers or addresses displayed in those products;
- Provide enhanced training of the LexisNexis employees who work on or with the Accurint® for Collections suite of products and services; and
- Provide educational seminars and materials for customers regarding their responsibilities relating to the enhanced features and offerings of the Accurint® for Collections suite of products and services.

Because these procedures are being accomplished through a Court injunction, Judge Spencer will retain ongoing supervision and enforcement of these changes. The specific terms of these changes are included in the Settlement Agreement, a copy of which is available at [CollectionReportLawsuit.com](http://CollectionReportLawsuit.com).

There will be no payments to these Class Members.

Defendants have agreed to pay all costs associated with: publishing this notice, implementing the procedures described in the Court's injunction, administering the Settlement, and paying Plaintiffs' lawyers for their attorneys' fees (up to a \$5.5 million).

**Class Members do not have to pay or buy anything to benefit from the changes in business practices provided by the Settlement Agreement.**

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**9. When will the proposed Settlement go into effect?**

The Court will hold a fairness hearing on **October 3, 2013**, to decide whether to approve the proposed Settlement. Even if the Court approves the proposed Settlement, there could be appeals to the Court's decision. The time for an appeal varies, and could take more than a year.

The date when all appeals are completed, and the proposed Settlement becomes final is called the Effective Date. You can visit the Settlement website at [CollectionReportLawsuit.com](http://CollectionReportLawsuit.com) after October 3, 2013 to check on the progress of the Court-approval process.

The change in business practices will remain in effect for seven years from the Effective Date or until June 30, 2020, whichever is earlier. During that time, the Court will continue to oversee the injunctive relief and will have the power to enforce the terms of the Settlement Agreement.

**10. How does the proposed Settlement affect my rights?**

If the proposed Settlement is finally approved by the Court, then you will be giving up the right to file a lawsuit against any of the Defendants or their related companies for certain money damages relating to any violation of the FCRA or any similar state law about the claims covered by this Settlement. This is called "releasing" your claims. This means you cannot seek, or continue to seek, limited statutory remedies based on any of the Defendants' alleged violation of the FCRA, including: 1) using your information without your permission, 2) responding inadequately to your request for a copy of an Accurint® report about you, or 3) inadequately responding to a dispute you initiated or submitted to one of the Defendants regarding Accurint®. You will be giving up all such claims, whether or not you know about them.

However, you will still have the right to file an *individual* lawsuit against any of the Defendants for actual money damages that you claim resulted from any of the Defendants using your information without your permission. Defendants will have the right to deny they are liable for damages.

**The precise terms of the release are explained in the Settlement Agreement, which you can view on the Settlement website, [CollectionReportLawsuit.com](http://CollectionReportLawsuit.com).**

The Court's decisions in this case will apply to you even if you object to the Settlement or have any other claim, lawsuit, or proceeding pending against any of the Defendants relating to the same claims. If you have any questions about the release, then you should visit the Settlement website for more information or consult with a lawyer. See Question 12 below for more information about seeking legal advice about the Settlement.

**11. Can I choose not to be in the proposed Settlement?**

No. The proposed Settlement requires the Defendants to create new products, limit the usage of existing products, and implement procedures to ensure they change their business practices to benefit all Class Members equally. As explained in Question 8, this type of benefit is injunctive. Therefore, under this type of class action, you cannot exclude yourself from the Class or this proposed Settlement.

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However, as explained in Question 10, you still have the right to file an individual lawsuit against any of the Defendants for actual money damages and have your case and the Defendants' defenses heard in court.

## THE LAWYERS REPRESENTING YOU

### 12. Do I have a lawyer in this case?

Yes. The Court approved the following lawyers as "Class Counsel" to represent you and other Class Members:

- Leonard Bennett, of Consumer Litigation Associates, P.C., in Newport News, Virginia;
- Dale Pittman, of the Law Office of Dale W. Pittman, P.C., in Petersburg, Virginia;
- Michael Caddell of Caddell & Chapman, in Houston, Texas; and
- James Francis of Francis & Mailman PC, in Philadelphia, Pennsylvania.

You will not be charged for these lawyers. You may hire your own attorney, if you so choose, but you will be responsible for paying your attorney's fees and expenses.

### 13. How will the lawyers be paid? What will the Class Representatives receive?

Class Counsel will ask the Court to approve attorneys' fees and expenses of up to \$5.5 million, for the time and effort they have spent on this case.

Defendants will pay the approved amount of attorneys' fees and expenses, and no Class Member will owe or pay anything for the attorneys' fees and expenses of Class Counsel.

## OBJECTING TO THE PROPOSED SETTLEMENT

### 14. How do I tell the Court if I do not agree with the proposed Settlement?

If you are a Class Member, then you can object to the proposed Settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views.

To object, you must mail your objection letter to "LexisNexis Settlement Objections, Settlement Administrator, P.O. Box 2983, Faribault, MN 55021-2983. Your letter must be postmarked no later than **August 30, 2013**.

Your objection letter must include all of the following:

- The name of the case: *Gregory Thomas Berry, et al. v. LexisNexis Risk & Information Analytics Group, Inc.*, No. 3:11CV754 (E.D. Va.);

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- Your name, address, and telephone number;
- A statement of your objection and a summary of the reasons for your objection;
- Copies of any documents on which you base your objection; and
- A statement of whether you or your lawyer will ask to appear at the final approval hearing to talk about your objections.

If you or your lawyer asks to appear at the final approval hearing, then in addition to providing the information above, you must also:

- Identify the points you wish to speak about at the hearing;
- Enclose copies of any documents you intend to rely on at the hearing;
- State the amount of time you request for speaking at the hearing; and
- State whether you intend to have a lawyer speak on your behalf.

If you intend to have a lawyer present, then your lawyer must enter a written notice of appearance of counsel with the Court no later than **August 30, 2013**.

For more information about the final approval hearing, see Questions 15-17 below.

If you do not follow the process outlined above, you will not be allowed to object, appear at the final approval hearing, or appeal the final approval of the proposed Settlement, the dismissal of the case, or the Court's award of attorneys' fees and expenses to Class Counsel.

## THE COURT'S FINAL APPROVAL HEARING

### **15. When and where will the Court decide whether to finally approve the proposed Settlement?**

The Court will hold a final approval hearing to decide whether to approve the proposed Settlement. You may attend and you may ask to speak, but you do not have to because Class Counsel will appear at the hearing on your and the Class' behalf.

The hearing will be on **October 3, 2013**, at 10:00 a.m., before Judge Spencer, in the United States District Court for the Eastern District of Virginia, Richmond Division, in Courtroom 7000.

At this hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. The Court will consider all timely and proper objections. The Court will listen to people who have asked for permission to speak at the hearing (as explained in Question 14).

The Court may also decide how much to award Class Counsel. After the hearing, the Court will decide whether to finally approve the proposed Settlement. There may be appeals after that. We do not know how long these decisions will take.

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The Court may change the date of the final approval hearing without further notice to the Class. You should check the website, [CollectionReportLawsuit.com](http://CollectionReportLawsuit.com) to check on the hearing date, the court-approval process, and the Effective Date.

**16. Do I have to come to the hearing?**

No. Class Counsel will answer any questions the Court may have. However, you are welcome to come at your own expense. You may also pay your own lawyer to attend, but it is not necessary. If you want to have a lawyer appear on your behalf at the final approval hearing, then your lawyer must enter a written notice of appearance with the Court no later than **August 30, 2013**, and must follow the process outlined in Question 14.

If you send an objection, then you do not have to come to Court to talk about it. As long as you mailed your written objection on time and complied with the other requirements for a proper objection, the Court will consider it.

**17. May I speak at the hearing?**

You or your lawyer may ask the Court for permission to speak at the final approval hearing. To do so, you must tell the Court in your objection letter that you or your lawyer would like to speak at the hearing. You must also follow the process outlined in Question 14.

You cannot speak at the hearing if you do not follow this procedure.

**IF YOU DO NOTHING**

**18. What happens if I do nothing at all?**

You are not required to do anything to get the benefits of the Settlement. If the Court approves the proposed Settlement, then you will be bound by the Court's final judgment and the release of claims explained in the Settlement Agreement.

**GETTING MORE INFORMATION**

**19. How do I get more information?**

This notice is only a summary of the proposed Settlement. More details about the proposed Settlement, the date when appeals are no longer allowed and when the Settlement is final, deadlines for certain actions, and your options are available in a longer document called the Settlement Agreement.

You can get a copy of the Settlement Agreement by visiting [CollectionReportLawsuit.com](http://CollectionReportLawsuit.com). The website also provides answers to commonly asked questions, plus other information to help you determine whether you are a Class Member. In addition, some of the key documents in the case will be posted on the website.

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Certain highly confidential and proprietary information submitted to aid the Court's consideration in connection with the Settlement may be reviewed by Class Members only with the assistance of Class Counsel. An explanation of the procedures that must be followed to review such documents is posted on the website, as well as a copy of the Court's order that established those procedures.

**Do not write or call the judge or any court personnel concerning this lawsuit or notice.**

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James R. Spencer  
United States District Judge Eastern District of  
Virginia

Date: April 26, 2013

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